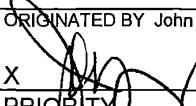


 <p style="text-align: center;"><b>WISCONSIN DEPARTMENT OF CORRECTIONS Division of Juvenile Corrections Policy and Procedure</b></p>	EFFECTIVE DATE 9/28/2016	PAGE NUMBER 1 of 5
	MANUAL REFERENCE	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision
	DJC POLICY # 300 05 05	Original Date 11/10/2000
	ORIGINATED BY John D Paquin, Administrator	
	X 	Date Signed 9/28/16
	<b>PRIORITY</b> <input type="checkbox"/> Policy/Directive Discuss at Staff Meeting <input checked="" type="checkbox"/> Information Read/Route/Post	
REPLACES POLICY CLS/LHS Policy 6-05, SIMP 19		
<b>SUBJECT: Use of Chemical Agents and Incapacitating Devices</b>		

#### Purpose

The purpose of this policy is to provide direction and guidance to facility staff in the use of chemical agents and incapacitating devices

#### Policy

Pursuant to Emergency Response Unit Policy 300 05 04, DJC has a standardized list of chemical agents and incapacitating devices. Staff shall use the most appropriate chemical agent or incapacitating device for the situation, based on the manufacturer's recommendations and training provided to staff on the proper use of chemical agents and incapacitating devices.

Only trained staff under the immediate supervision of a supervisor may employ chemical agents or incapacitating devices. Each facility shall ensure that staff authorized to use chemical agents or incapacitating devices are properly trained in their use

#### References

DJC Policy 100.01.03 – Central Office Notification of Unusual Incidents

DJC Policy 300 01 02 – Institution Reporting to Central Office

DJC Policy 300 05.02 – Use of Force (UOF)

DJC Policy 300.05.03 – Use of Force- Documentation and Video Recording

DJC Policy 300 05 10 – Emergency Response Unit (ERU)

DJC Policy 100 05 02 – Principles of Subject Control (POSC)

DJC Policy 300.05.04 – Use of Force- DOC Approved, Commercially Manufactured Tools'

DJC Policy 300 05 11 –Standardization – Incapacitating Agents and Emergency Response Unit Equipment

Wisconsin Administrative Code DOC 376 07 – Use of Physical Force

Wisconsin Administrative Code DOC 376 08 – Use of Incapacitating Agents and Chemical Agents

Wisconsin Administrative Code DOC 376 20 – Disturbance Plan

Wisconsin Administrative Code DOC 376.21 – Emergencies

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Wisconsin Administrative Code Ch DOC 396 15 – Use of Physical Force

Wisconsin Administrative Code Ch DOC 396 17 – Chemical Agents and Weapons

### **Definitions, Acronyms and Forms**

Chemical agent – oleoresin capsicum (OC) or other commercially manufactured chemical agents approved by the DOC for use as a non-deadly force

DJC – Division of Juvenile Corrections

DOC – Department of Corrections

DOC-1837 – Central Office Notification of Unusual Incident

DOC-1846 – DJC Incident Report

Incapacitating device - a commercially manufactured device designed to incapacitate a person which is approved by the DOC for use as a non-deadly force

POSC – Principles of Subject Control

Supervisor – means staff designated by the superintendent to perform supervisory functions under DOC 376 01, to include but not limited to: Deputy Superintendent, Security Director, Supervising Youth Counselor (SYC), Corrections Unit Supervisor, Youth Counselor Advanced (YCA) and those acting in a YCA position.

For a list of approved incapacitating devices see policy ERU 300 05 10.

### **Procedures**

#### I. Reasons for Use of Chemical Agents and/or Incapacitating Devices

The superintendent/designee shall authorize the use of a chemical agent and/or incapacitating device. Staff may use chemical agents and incapacitating devices only if he or she reasonably believes that it is immediately necessary to accomplish one of the following purposes:

- A To subdue a youth who poses an immediate threat of bodily harm or death to oneself or another
- B To regain control of all or part of a facility during a disturbance as defined in s DOC 376.20 or an emergency as defined in s DOC 376 21
- C To prevent the escape of a youth
- D To control a disruptive or dangerous youth who threatens the security of the facility
- E To apprehend a youth who has escaped from a facility.
- F To change the location of a youth who refuses to cooperate and the refusal threatens the security of the facility
- G To prevent unlawful damage to property
- H To enforce a DOC rule, a posted policy or procedure or an order of staff member

#### II Utilizing the Intervention Options

<b>Use of Chemical Agents and Incapacitating Devices</b>	EFFECTIVE DATE 9/28/2016	PAGE NUMBER 3 of 5
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In order to ensure that chemical agents and incapacitating devices are used appropriately, staff shall utilize the use of intervention options which is outlined in DJC Policy 300 05.02 Chemical agents should only be used in extreme or emergency cases If feasible before actually deploying a chemical agent or incapacitating device, staff shall

- A Video record the events as authorized by the superintendent or designee Staff shall follow the procedures outlined in DJC Policy 300 05.03 when video recording an incident involving the use of chemical agents and incapacitating devices
- B. Communicate with the youth to calm him or her
- C. Wait a reasonable period of time, unless there is a risk of harm to the youth or another person, the situation would further escalate, or waiting would threaten the security or safety of the facility
- D Demonstrate a show of force to the youth
- E Use the minimum amount of force that is reasonably necessary

### III Using Chemical Agents and Incapacitating Devices

- A Staff shall follow the manufacturer's safety instructions
- B Staff shall consider the following before using a chemical agent or incapacitating device
  - 1. The size of the area, type of structure, and type of agent or device
  - 2 The danger of the reduction of oxygen when using any chemical agent or incapacitating device, especially in a confined or enclosed area
- C Staff may use smoke, which is not a chemical under this regulation, for the purpose of concealment and surprise.
- D When staff use a chemical agent, OC shall be the only type of agent used
- E Incapacitating devices may only be used in outside areas or in large enclosed areas in which the danger of the reduction of oxygen is minimal.

### IV Prohibited Use of Chemical Agents and Incapacitating Devices.

Staff may not use chemical agents or incapacitating devices if any of the following apply

- A It is clear that the chemical agent or incapacitating device would have no physical effect on a youth
- B. It is medically contra-indicated for the youth or another person who would be affected

### V. Medical Attention and Clean-Up

- A As soon as possible after a chemical agent or incapacitating device has been used, staff shall apply corrective remedies as prescribed by the manufacturer to all youth and staff exposed to the agent or device, and shall obtain medical assistance for persons exposed
  - 1 Staff shall promptly notify qualified Health Service Unit staff of a youth's exposure to a chemical agent
  - 2 Qualified Health Service Unit staff shall assess the youth(s) and provide necessary treatment interventions as professionally determined

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- B Staff shall provide individuals exposed to a chemical agent with an opportunity to shower and change clothes
- C If living quarters have been exposed to a chemical agent, staff shall require the area to be properly cleaned and bedding and mattresses to be changed and thoroughly cleaned before being reused.

## VI Reporting of Use of Chemical Agents and Incapacitating Devices

### A Incident Reports

- 1 As soon as possible after a chemical agent or incapacitating device has been used, all staff who were involved and/or witnessed the incident shall complete and submit an Incident Report—DJC (DOC-1846)
- 2 The supervisor in charge shall complete and send the Central Office Notification of Unusual Incidents (DOC-1837) to the Administrator and Assistant Administrator pursuant to DJC Policy 100 01.03
- 3 Each incident report shall include the following
  - a The youth's name, the date and time of the incident, names of staff present when the agent or device was used, reasons for using the agent or device, and treatment given.
  - b A description of the incident which caused the use of the agent or device
  - c The steps taken prior to the use of the agent or device and why those steps did not control the incident.
  - d The type of agent or device used and method of application
  - e The youth's response to the agent or device.
  - f Any actions taken following the use of the agent or device.
- 4 Reports shall be legible and specific including proper terminology, language and quotes
- 5 The Supervisor in charge, security director or superintendent shall review all incident reports for accuracy and thoroughness prior to submitting to the Administrator. The Supervisor in charge, security director or superintendent shall return any incomplete reports to staff for completion based on the above requirements.

### B Monthly Report

The facility shall submit a monthly report of the use of chemical agents and incapacitating devices to the Administrator pursuant to DJC Policy 300 01.02

cc      Office of the Secretary  
           DJC Leadership Team

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<b>Division of Juvenile Corrections Facility/Region Implementation Procedure</b>		
Facility/Region		
DJC Policy Number	300 05 05	
Subject	Use of Chemical Agents and Incapacitating Devices	
New Effective Date	9/28/2016	Original Effective Date
Will Implement	<input type="checkbox"/> As Written <input type="checkbox"/> With following procedures for facility implementation	
Superintendent's/Regional Chief's Approval		

## REFERENCES

## DEFINITIONS, ACRONYMS, AND FORMS

### FACILITY PROCEDURE

- I.
- A.
- B.
- 1.
- 2.
- a.
- b.
- c.
- 3.
- C.

II.

III.

### RESPONSIBILITY

- I. Staff
- II. Youth
- III. Other